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United States, any state thereof, or the District of Columbia, and which are under the effective control of United States nationals or permanent residents.

Head of Independent Unit means an official appointed by the Administrator to direct and manage one of the Administrator's staff offices.

Head of the Contracting Activity (HCA) means the General Services Director and the Engineering and Construction Director.

Implementing Agreement means the Agreement in Implementation of Article III of the Panama Canal Treaty (TIAS 10031), signed at Washington, DC on September 7, 1977.

Inspector General means the Office of the Inspector General.

Procurement Executive means an individual designated as the senior procurement executive pursuant to 41 U.S.C. 414(3), by the Administrator from members of his staff. The Procurement Executive is delegated agency-wide responsibility to oversee development of procurement systems, establish procurement policy, evaluate procurement system performance in accordance with approved criteria, carry out specific responsibilities as assigned in this PAR, enhance career management of the procurement work force, and certify to the Administrator that procurement systems meet approved criteria.

Treaty means the Panama Canal Treaty (TIAS 10030), signed at Washington, DC on September 7, 1977.

[55 FR 7638, Mar. 2, 1990]

PART 3503—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

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AUTHORITY: 40 U.S.C. 486(c).

SOURCE: 55 FR 7638, Mar. 2, 1990, unless otherwise noted.

3503.000 Scope of part.

This part implements FAR part 3, cites Commission regulations on employee responsibilities and conduct, establishes responsibility for reporting violations and related actions, and provides for authorization of exceptions to policy.

Subpart 3503.1—Safeguards

3503.101 Standards of conduct.

3503.101-3 Agency regulations.

Commission regulations on Employee Responsibilities and Conduct are contained in the Commission's "Employee Code of Conduct". All personnel involved in acquisition actions shall become familiar with the statutory and

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regulatory prohibitions governing employee conduct. Any problems or questions concerning standards of conduct shall be referred to the Designated Agency Ethics Official.

3503.103 Independent pricing.

3503.103-2 Evaluating the certification.

(b)(3) Whenever an offer is rejected under FAR 3.103-2, or the Certificate of Independent Price Determination is suspected of being false, the contracting officer shall report the situation to the General Counsel through the cognizant Head of the Contracting Activity for referral to the Attorney General in accordance with FAR 3.303.

Subpart 3503.2—Contractor Gratuities to Government Personnel

3503.203 Reporting suspected violations of the Gratuities clause.

Any Commission employee who suspects that a violation of the Gratuities clause has occurred shall immediately report the suspected violation to the cognizant Head of the Contracting Activity. Upon being notified of the suspected violation, the HCA shall inform the Designated Agency Ethics Official and the Procurement Executive, by written memorandum, of the pertinent details of the suspected violation.

3503.204 Treatment of violations.

(b) When the HCA determines that there is probable cause to believe that a violation of the Gratuities clause has been committed, the case shall be handled as provided in the Commission debarment and suspension procedures in subpart 3509.4.

(c) The final decision as to which remedies the Commission may pursue if a violation of the Gratuities clause is found by the Debarment Committee (see 3509.406-3(b)), is reserved to the Administrator.

Subpart 3503.3—Reports of Suspected Antitrust Violations

3503.301 General.

(b) The contracting officer shall report any suspected violations of antitrust laws to the General Counsel

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through the cognizant Head of the Contracting Activity for referral to the Attorney General and the Commission's Debarment Committee in accordance with FAR subpart 3.3.

Subpart 3503.4—Contingent Fees

3503.408 Evaluation of the SF 119.

3503.408-1 Responsibilities.

(b) The contracting officer's documentation of the evaluation of the Standard Form 119, Statement of Contingent or Other Fees, conclusions, and any proposed actions shall be reviewed by the cognizant Head of the Contracting Activity in coordination with the General Counsel.

3503.409 Misrepresentations or violations of the Covenant Against Contingent Fees.

(a) Commission personnel who suspect or have evidence of attempted or actual exercise of improper influence, misrepresentations, or violations of the Covenant Against Contingent Fees shall report the matter promptly to the Designated Agency Ethics Official and the cognizant Head of the Contracting Activity.

Subpart 3503.5—Other Improper Business Practices

3503.502 Subcontractor kickbacks.

3503.502-2 General.

Any Commission employee who suspects that a violation of the Anti-Kickback Act has occurred shall immediately report the suspected violation to the Designated Agency Ethics Official and the cognizant Head of the Contracting Activity. Suspected violations shall be treated in accordance with the debarment and suspension procedures at subpart 3509.4.

Subpart 3503.6—Contracts With Government Employees or Organizations Owned or Controlled by Them

3503.600-70 Scope of subpart.

This subpart implements and supplements FAR subpart 3.6 and sets forth